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THE
TRYAL
OF
Henry Cornish, Esq;
FOR CONSPIRING
The Death of the King,
And raising a
REBELLION
IN THIS
KINGDOM;
AT THE

Sessions House in the Old-Baily, London, on a
Commission of Oyer and Terminer held there
for the City of London, and County of
Middlesex, October, 19. 1685,

London, Printed by George Croom, at the Sign of
the Blue-Ball over against Bridwell, and W.
Hawes, at the Rose and Bible in Ludgate-street,
1707. 20 Price. 6d.

W. Musgrave.

I Do appoint George Croom,
Printer, to Print and
Publish the TRYAL of
Henry Cornish, and that no
other presume to Print the
same.

Tho. Jones.

December, the 1st,
1685.



THE TRIAL OF

Henry Cornish, Esq;

Indicted for

High - Treason.

Clerk.

O Yes, All manner of Persons are commanded to keep silence, upon pain of Imprisonment.

Set *Henry Cornish* to the Bar.

Henry Cornish, hold up thy Hand.

Mr. Cornish. My Lord, I have been confined without any notice given me until *Saturday* about noon of my Trial. My Lord, I do hope, seeing I appear before your Lordships and this Honourable Bench, who have known something of my former Conversation, that you will be pleased to consider me, and grant me what is customary, and commonly done to Persons in my Circumstances.

Mr. Jones. *Mr. Cornish*, if you please you shall have your time of speaking hereafter, but now you are only to plead without any more ado.

Mr. Cornish. My Lord, I beseech you hear me a little; I have been so confined—

Lord Mayor. *Mr. Cornish* you must observe the Rules of the Court.

Mr. Cornish. My Lord, I hope I shall be allowed what is customary in such Cases.

Lord Mayor. What is it you would have?

Mr. Cornish. My Lord, I do desire, if your Lordship will please to consider me—

Mr. Jones. Wou'd you not be arraign'd, *Mr. Cornish*? After you are arraign'd and have pleaded you may speak.

Mr. Cornish. Let me tell your Lordship what my Case is: Is it reasonable not to have above half a days time for Preparation for my Tryal, and a Counsel allowed me?

Mr. Recorder. Nor ought, without leave of the Court, or by His Majesties Special Appointment.

Mr. Cornish. I have not had a Friend to come with me but in the Presence of Major *Richardson*.

Mr. Recorder. None have in your Circumstances.

Mr. Cornish. My Lord, ought not I to have a Copy of the Pannel? It is a thing never denied.

Recorder. It hath been denied very often.

Mr. Cornish. My Lord, it is a matter wherein my Life is concerned; and therefore I hope your Lordship will hear me.

Mr. Jones. After you are arraign'd you may speak, and put off your Tryal if you can.

Mr. Cornish. My Lord, I cannot go from this before I possess your Lordship with a right Understanding of it; it is beyond Precedent: No such Precedent, that any man should be kept with this Strictness I have been.

Recorder. *Mr. Cornish*, I wonder you will say so. I tell you there is no man accused of your Crime but is so kept.

Mr. Cornish. If your Lordship pleases to allow me a little time, I do not question but I can very well satisfy

satisfie your Lordship, and this honourable Court, that I am a very Innocent Person.

Mr. Recorder. You will have your proper time for that, but now you must plead, that you may hear the Particulars of your Charge, and have an opportunity to make out your Innocence ; for we must keep the same method with you we do with all other Persons in your Circumstance ; and therefore you must plead as other Persons do.

Mr. Jones. Will you, or will you not, Sir, without any more ado : The Law gives you advantage, you may challenge any body ; there are fourscore returned, honest men, and you may challenge who you please.

Mr. Cornish. Alas ! my Lord, what can I do ?

Counsel. He disputes out of time ; he is to be arraign'd.

Recorder. Come, *Mr. Cornish*, you must plead.

Mr. Cornish. I did understand last night His Majesty was graciously pleased to refer these matters, as to my Tryal, to my Lords the Judges ; and, my Lord, I do hope that the Judges, when they hear this matter, that I shall have some time allowed.

Recorder. Pray *Mr. Cornish*, take the Rule of the Court ; your business is now to plead ; when you have pleaded, what you have to offer for the putting off your Tryal may be heard then.

Clerk. *Henry Cornish*, hold up thy hand.

Mr. Cornish. My Lord, I would do nothing that should be a dishonour to your Lordship and the Court.

Sir James Smith. You know the way of the Court *Mr. Cornish* ; you must plead.

Mr. Jones. If you will not plead I will move the Court to record your standing mute.

Mr. Cornish. I have known that this Court hath heard what the Prisoner hath to say at the Bar; and I have more to say perhaps than any man that ever stood at this Bar.

Recorder. *Mr. Cornish*, when you have pleaded; you have time to speak for your self.

Clerk. *Henry Cornish*, hold up thy hand. (Which he did.)

Thou standest indicted by the Name of *H. Cornish*.

THat *Henry Cornish*, late of the Parish of St. Michael Bassishaw, London, Merchant, as a false Traitor against the most Illustrious Prince Charles the Second, late King of England, Scotland, France, and Ireland, Defender of the Faith, then his natural Lord, not having the fear of God in his Heart, nor weighing the Duty of his Allegiance, but moved and seduced by the Instigation of the Devil, and the cordial Love, and true due and natural Obedience, which a true and faithful Subject of our late Sovereign Lord the King, towards our late Sovereign Lord the King should and of right ought to bear, altogether withdrawing; and minding, and with all his strength intending, the Peace and common Tranquillity of this Kingdom of England to disquiet, molest, and disturb, and War, and Rebellion against our late Sovereign Lord the King, within this Kingdom of England to stir up, move, and procure; and the Government of our said late Sovereign Lord the King of this Kingdom of England to subvert, change, and alter, and our said Sovereign Lord the King from the Title, Honour, and Kingly Name of the Crown Imperial of this Kingdom of England to depose and deprive; and our said late Sovereign Lord the King to Death, and final Destruction to bring and put, the 30th, day of May, in the 35th, Year

(3)
of the Reign of our said Sovereign Lord the King, and di-
vers other days and times, as well before as after, at the
Parish of St. Michael Bassishaw, London, falsely, ma-
liciously, devilishly, and traiterously, with divers false
Traitors to the Jurors unknown, did conspire, compass,
imagine, and intend, our said late Sovereign Lord the
King, his supreme and natural Lord, not only of his King-
ly State, Title, Power, and Government of this Kingdom
of England to deprive and throw down; but also the said
late King to kill and put to Death, and the ancient Govern-
ment of this his Kingdom of England to change, alter,
and altogether subvert, and a miserable Slaughter amongst
the Subjects of our late Lord the King through this King-
dom of England, to cause and procure, and Insurrection
and Rebellion against our said late Lord the King, to procure,
promote, and assist: And the same most wicked and devilish
Treasons and Treacherous Compassings, Imaginations, and
Purposes aforesaid to fulfil, perfect, and bring to effect, He
the said Henry Cornish, as a false Traitor, then and
there, to wit, the said 30th. day of May in the Year a-
foresaid, at the Parish and Ward aforesaid, falsely, mali-
ciously, and treacherously knowing James the late Duke of
Monmouth, William Russel, Esq; and Thomas
Armstrong, Knight, and divers other Rebels and Tray-
tors, then lately before in the Parish and Ward aforesaid
within the said City of London, falsely, unlawfully, de-
vilishly, and treacherously, to have conspired the Death and
final Destruction of our said late Sovereign Lord the King;
be the said Henry Cornish, as a false Traitor, then and
there, to wit, the said 30th. day of May in the Year a-
foresaid, within the Parish and Ward in the said City of
London, falsely, unlawfully, wickedly, and treacherously,
did promise to the said divers false Traitors and Rebels,
then and there present, That be the said Henry Cornish
would be aiding and assisting in the Treasons aforesaid, to

be done, perfected, and brought to effect; against the Duty of his Allegiance, against the Peace, and against the Force of the Statute. &c.

Clerk. How say'st thou, *Henry Cornish*, art thou guilty of this high Treason whereof thou standest Indicted, or not guilty?

Mr. Cornish. This is an heinous Charge.

Counsel. Answer. You know you must answer.

Mr. Cornish. I am perfectly Innocent.

Counsel. Are you guilty, or not guilty? You must take the Words.

Mr. Cornish. Not guilty.

Clerk. Culprit, how wilt thou be tryed?

Mr. Cornish. By the great God of Heaven, and my Country.

Clerk. God send thee a good Deliverance.

L. C. J. Jones. I don't know in what state things are here in the Court; I can't tell whether there be a Jury returned or not.

Clerk. He is arraigned.

L. C. J. Jones. Why don't you go on with the Jury?

Mr. Cornish. My Lord, I humbly pray your Lordship. I have some ground for it———

L. C. J. Jones. You shall be heard in good time, Sir.

Mr. Cornish. My poor Children last night presented a Petition to His Majesty, and he was pleased to refer it most graciously to my Lords the Judges; and I now make my Application to Your Lordships.

L. C. J. Jones. Have you any Answer to the Petition, from the King?

Mr. Cornish. It was referred to your Lordships the Judges, to consider my Case

L. C. J. Jones. We may hear more of your Business anon, when Mr. Attorney and Mr. Solicitor do

do come; we will stay here till they come, to know whether there be any Order from the King to them concerning you.

Mr. Cornish. My Lord, I hope it will not be offensive if I should acquaint your Lordships, what Usage I have met with since I have been under Confinement. I have been under very close Confinement, I had no notice of my Tryal till about Twelve a Clock on *Saturday*; no Friend came to me till Eight a Clock at night; and I had no time for preparation for my Tryal. My Lord, these are hard things; but tho' I am denied Counsel, I trust in God I shall not need Counsel, for I hope, if your Lordship pleases to allow me time, to clear my self of all matters, and I hope with such Satisfaction to your Lordships, that you will acquiesce in whatsoever I shall lay before your Lordships. I do not come to make an Harangue and Talk; my case was such, that I had neither Pen, Ink, nor Paper.

Mr. Just. Withins, Mr. Cornish, Mr. Attorney and Mr. Solicitor will come, we must hear them

L. C. J. Jones. You shall be heard in proper time it is a strange thing you won't be satisfied; you shall be heard, I tell you, in your proper time

Clerk. Set *Henry Cornish* to the Bar. You the Prisoner at the Bar, these men that have been now called, and here appear, are to pass between our Sovereign Lord the King and You, upon your Life and Death: If you challenge any of them, you must speak as they come to the Book to be sworn, before they are sworn

Mr. Cornish. My Lord, I must humbly beg leave of your Lordship and this honourable Court, that may renew my request. The time of notice given

given me for my Trial being so short, it hath no precedent, I think: I humbly pray your Lordship I may have time allowed for my Tryal: I have had no Council, no Pannel, no help in the World; I had not Pen, Ink, nor Paper, my Lord, these are very hard things. My Lord, His Majesty was Petitioned last night by my Children, and he was graciously please to say, that he would refer it to my Lords the Judges. I only pray your Lordships, that you would be pleased to allow me time. Though here is a grievous Indictment brought against me, yet I doubt not but to clear my self of what is alledged against me, if I have but time to prepare my self for it; therefore I humbly pray that I may have time allotted.

L. C. J. Jones. You told us so before, that you had exhibited a Petition to the King, and that the King did refer it to the Judges, you shew nothing of that.

Mr Cornish. My Lord, I can but only signifie to your Lordship what I hear; my Children were with me, and told me they had Petitioned the King, and His Majesty was pleased graciously to receive it.

Mr Att. Gen. The King left you to the court of the Law.

Mr Cornish. It is a very hard measure; I have no preparation at all, no more than at the first moment; but I bless God, I hope I shall in time satisfy you of my Innocency.

L. C. J. Jones. You were apprehended and seized upon Tuesday last, this is almost a Week; you knew what you were charged withal.

Mr. Cornish. My Lord, I did not know what I was charged withal I had no liberty of Friends to con-

to me; my Wife at length obtained leave, but it was in the presence of Major *Richardson*; I had no Friend with my Wife, no Pen, Ink, nor Paper.

L. C. J. Jones. Was Pen, Ink, and Paper deny'd you? did you ask for it?

Mr. Att. Gen. As soon as he Petition'd for it he had it.

Capt. Richardson. He had Pen, Ink, and Paper.

L. C. J. Jones. When was that?

Capt. Richardson. On Saturday.

Mr. Cornish. My Lord, it was eight a clock at night.

Mr. Just. Levins. *Mr. Cornish*, I would not have you think you are used otherwise than other men are; for I must tell you it is not usual to have Pen, Ink, and Paper, without leave.

Mr. Cornish. I know it hath been allowed in the like Case.

Mr. Just. Withins. Ay, upon Petition, never else.

Mr. Levins. There are many men, and of as good quality as you, tried for killing men; does any body give them notice? Is there any more necessity of notice in point of Treason, than in point of Murther?

Mr. Just. Withins. I told you what your Offence was, when you were committed.

Mr. Cornish. My Lord, I remember in my Lord *Russel's* Case, he had at least seven or eight days allowed him.

Mr. Just. Levins. It may be so; but it is not necessary. Prisoners that are tried here generally have no notice at all; if one Man hath a singular favour, another man cannot claim it.

Mr. Cornish. My Lord, I have a material Witness above One Hundred and Forty Miles off.

L. C. J. Jones. My Lord's Trial, I think, was put off but till the Afternoon. Mr.

Mr. Cornish. With submission to your Lordship, I think he had eight days assign'd him. But my Lord, I humbly conceive I have a Witness that is very material in my Case, that is One Hundred and Forty Miles out of Town, in *Lancashire*; I humbly pray I may have time allotted me to send for him.

L. C. J. Jones. Why did not you set forth that in your Petition to the King?

Mr. Cornish. My Lord, I did understand the case.

L. C. J. Jones. Were not you committed for High-Treason?

Mr. Just. Withins. I told you so my self: I shew'd you the Commitment; therefore you can't pretend you were ignorant of it.

Mr. Cornish. My Lord, it did not mention this King or the last: And I am not a Lawyer, I am not skill'd in these things, I am very ignorant, and hope your Lordship will consider me; my Innocence will appear as bright as any mans that ever stood at this Bar.

L. C. J. Jones. I don't believe you want that Evidence One Hundred and Forty Miles off: Is he the only man that can make your Innocence appear?

Mr. Cornish. My Lord, by what I apprehend he will be the most material Witness I have. My Lord, I shall desire nothing but with submission to your Lordship and the Bench; but I humbly conceive it is very reasonable I should have time and I humbly pray your Lordship to consider it.

L. C. J. Jones. Mr. Attorney, have you any Directions?

Mr. Att. Gen. No, My Lord.

Mr. Cornish. I do not doubt, if I might have a little time, to make my defence.

Just. Withins. You should have applied your self to the King, it does not lie in our power.

Mr. Cornish. My Lord, I humbly pray you to consider my Case.

Mr. Just. Withins. *Mr. Bridgman* here on the Bench says, there was a Petition before the King for putting it off, and the King absolutely refus'd it.

Mr. Just. Levins. We have nothing to do, Sir; we are here by Commission to try you.

Mr. Cornish. My Lord, I have been denied a Copy of the Pannel, I hope that is reasonable; I must desire a Copy of the Pannel.

Mr. Att. Gen. That is none of your right *Mr. Cornish.*

Mr. Cornish. Mr. Attorney with submission, I hope I ought to have it.

Mr. Att. Gen. No, you ought not to have it; You have your Peremptory challenges, you may challenge Thirty Five without cause.

L. C. J. Jones. You shall have a copy of the Pannel here.

Mr. Att. Gen. Yes, here he may.

Mr. Cornish. It is a very hard case, when I have a material Witness so far out of Town, that I can't have a little time allotted.

L. C. J. Jones. Can't every man that comes here to be tryed say the very same thing, that he hath a material Witness in France, Spain, or any where else, and that when that Witness comes, his Innocence will be as clear as the Sun?

Mr. Cornish. My Lord, my Witness is in Lancashire, I cannot help it; I beseech your Lordship to consider me: I am apt to believe that he would so much vindicate my Reputation in this matter, that it would be a very great satisfaction to your Lordships;

and I am sure you are not for oppressing any man.

L. C. J. Jones. No Sir, that we are not.

Mr. Cornish. I am sure you are for the just vindication of the Government, for executing of Justice, and I will desire no other than that.

L. C. J. Jones. Mr. Attorney, if you pray he may be tried, we can't deny it.

Mr. Att. Gen. Mr. Cornish, I cannot defer it, I have no Authority; and why you should be in another condition than other Prisoners, I don't know; you have not deserved so well of the Government.

Mr. Cornish. I have not the Names of the Wards were these Men live, and their Trades.

Mr. North. He hath a copy of the Pannel, and that is sufficient.

L. C. J. Jones. You may ask them where they live.

Mr. Cornish. I hope I may have Pen and Ink, my Lord.

L. C. J. Jones. Ay, ay.

Then the Jury were called, and after Mr. Cornish had challenged Thirty Five of them, the Jury sworn were as followeth:

Thomas Rawlinson.

Thomas Langham.

Ambrose Istead.

Thomas Pendleton.

John Grice.

Thomas Oneby.

William Clowdesly.

Richard Holford.

William Longboat.

Steven Coleman.

Robert Clavel.

William Long.

Clerk, Henry Cornish. Hold up thy hand; you the Jury, look upon the Prisoner and hearken to his Cause; he stands Indicted by the Name of *Henry Cornish*, late of the Parish of *St. Michael Bay*.

in the Ward of *Bassishaw, London, Merchant,*
as before in the Indictment. Upon this In-
dictment he hath been Arraign'd, and thereunto
pleaded Not Guilty, &c.

Counsel. *Mr. Phips,* May it please your Lordship,
and you Gentlemen that are Sworn, *Henry Cornish,*
the Prisoner at the Bar, stands Indicted, for that he
knowing that the late Duke of *Monmouth, William*
Russel, Esq; the late Lord *Gray*, and other Tray-
tors, had conspired the Death of the late King,
did to raise Rebellion in this Kingdom, did pro-
mise to aid and assist them in compassing this
 wicked imagination, against the duty of his Alle-
giance, &c. to this he hath pleaded Not Guilty, &c.

Mr. Cornish, I am innocent of the whole matter.

Mr. At. Gen. May it please your Lordship, and
you Gentlemen of the Jury, *Mr. Cornish,* the Pri-
soner at the Bar, stands Indicted for contriving the
Death of the late King, and for raising Rebellion
in the Kingdom, and is charged that he did
consent to be assisting to that Rebellion that was
designed; it is not unknown to you Gentlemen,
there have been several Tryals of that Conspiracy, that there was
that Rebellion designed in England by the late Duke of *Monmouth,*
Lord Russel, and *Sir Thomas Armstrong;* and particularly Gentle-
men, there was a Meeting (which already hath appeared in publick)
at *Mr. Sheppard's House,* where the Lord *Russel,* the late Duke of *Mon-*
mouth, *Sir Thomas Armstrong,* *Mr. Rumsey,* and the late Lord *Gray,*
did consider and adjust matters: At that meeting *Mr. Cornish* indeed
was in very late (for he was invited and knew the Design then) he
was in late, and so was not at the whole Discourse; but there was
a Declaration framed to be put out when they should Rise, and they
acquainted *Mr. Cornish* with it, and they read it to *Mr. Cornish,* and
Mr. Cornish did like it very well, and promised he would be assisting, as
will prove to you Gentlemen. Another Instance of *Mr. Cornish's* Re-
bellion, for I need not tell you what part he acted when he was Sheriff,
maintained that; that was the ground work of the Rebellion setting
commonalty against the Government of the City. Another Instance
will give you is, his Under Sheriff that was employed to divide the
City and to raise men within the City, having discourse with *Mr. Cor-*
nish about setting that matter, he liked it very well, and promised he
would

would be assisting to him, and you may easily prestime *Mr. Gooden* the Under-Sheriff, was very privy to all the acts of *Mr. Cornish* at that time. We will call our Witnesses. *Mr. Rumsey*.

Mr. Cornish, I desire the Witnesses may be kept apart.

Mr. Att. Gen. They are so two times.

Mr. Cornish, You will find me guilty of neither; I am as innocent as any Person in this Court.

Mr. Att. Gen. So was my Lord *Russel*, to his death, *Mr. Cornish*, you remember that?

Mr. Cornish, *Mr. Attorney General*, I speak in the presence of great God, I am as innocent as any man in this Court.

Mr. Att. Gen. *Mr. Rumsey*, pray will you give my Lord and the an Account of the Insurrection that was to have been in *England*, the late King's time, and what concern the Prisoner had in that

Mr. Rumsey, My Lord, about the latter end of *October*, or the beginning of *November*, my Lord *Shaftsbury* desired me to go to *Sheppard's* house, where there was a meeting of those Gentlemen I did name before, the Duke of *Monmouth*, my Lord *Russel*, my Lord *Gray*, Sir *Thomas Armstrong*, and *Mr. Ferguson*, and *Mr. Sheppard*, accordingly I went; I came late there my self, for they were just going away, when I came in; I told them my message, and they told they were disappointed by *Mr. Trenchard*. I had not been the quarter of an hour, but we were going away, and *Mr. Sheppard* call'd for by his man, and he went down stairs and brought up *Cornish*; and when he came into the Room, he told the Gentlemen there met, that *Mr. Alderman Cornish* was come; so as soon as *Alderman Cornish* came into the Room, he made his Excuse to the Gentlemen that he did not come sooner, and that he could not stay with them; the reason why he could not stay with them, he told was, that they were to meet that night about their Charter, and was never another Alderman in Town but himself, and therefore could not stay, there was a necessity of an Alderman to be. And upon that *Mr. Ferguson* opened his bosom, and from under his Stomacher pull'd out a Paper; they told him, they had that Paper and desired to read it to him: *Mr. Ferguson* read it, and *Sheppard* held the Candle all the while that it was reading; and after they had read it, he asked him how he liked it, and he did say he liked it very well.

L. C. J. Jones. What were the Contents of that Paper?

Mr. Rumsey. The first part of it was complaining of the misgovernment of the late King; there were two Points in it that I do remember very well, that they would declare for: One was, *Liberty of Conscience*; and t'other was, That all those that would assist in the Insurrection, that had any Lands of the Church, or the King, at the late War, should have them restored to them.

L. C. J. Jones. Was there any thing in that Paper that did say any body to an Insurrection?

Mr. Rumsey, I did not hear all the Paper, nor did I take great notice of it; but those two Points wherein it, to engage them that would assist.

Mr. Att. Gen. What was the effect of the Paper?

Mr. Rumsey. It was to be a Declaration upon the Rising, which Rising was to have been; this was to have been dispersed about

Mr. At. Gen. Mr. Rumsey, was there a Rising intended at that time?

Mr. Rumsey, Yes, and they met there for that purpose; and *Mr. Trenchard* was the Man to manage the Business about *Taunton*, and he disappointed them.

Mr. At. Gen. What was your Message from my Lord *Shaftsbury* to them?

Mr. Rumsey, It was to know what Issue they had come to about the Rising, and to press them to it, for such a Matter as that was not to be long kept afoot; either let them come to a Resolution to rise, or let it fall for good and all.

Mr. At. Gen. After *Mr. Cornish* had expressed his liking of this Business and Declaration, what followed?

Mr. Rumsey, He did say, he liked it very well, and that poor Interest he had, he would join with it.

Mr. At. Gen. Speak that again.

Mr. Rumsey, *Mr. Cornish* did say, he did like the Declaration, and with the small Interest he had, he would appear to back it, or Words to that effect.

Mr. Cornish, My Lord, since he takes the freedom to charge me with these Things, I never was at a Consult in my Days.

Mr. Just. Levis, You were not then at *Mr. Sheppards* that Night?

Mr. At. Gen. Will you deny you were at *Mr. Sheppards* that Night?

Mr. Cornish, I do declare, I never was at *Mr. Sheppards* in any Consult in my Life, as he

declares; but I have had great Dealings with *Mr. Sheppard*.

L. C. J. Jones, You shall be allowed your Liberty; pray, Sir, be not transported with Passion. I doubt, before this time, notwithstanding the confidence you seem to have, there are few believe you to be as innocent as any Person present.

Mr. At. Gen. You will hear more from his Oracle.

Mr. Just. Levins, Were you there when my Lord *Russel* was there?

Mr. Cornish, I was not there when my Lord *Russel* was there, as I remember.

L. C. J. Jones, Were you present, hear, hear, Sir: Were you present at *Sheppard's* when *Ferguson* was there?

Mr. Cornish, My Lord, I have been at *Sheppard's* several times, but I never liked the Man for his Morals, and therefore never liked to be in his Company.

L. C. J. Jones, He pull'd the Paper out of his Bosom?

Mr. Cornish, It is as great an untruth as ever was told in the World; but, my Lord, seeing he takes this Freedom to charge me, I desire to know whether he stands here as a lawful Evidence?

L. C. J. Jones, What is your Exception?

Mr. Cornish, He stands charged guilty of Treason.

L. C. J. Jones, That it self does not disable him to be a Witness.

Mr. Cornish,

Mr. Cornish, Before he hath his Pardon, my Lord?

L. C. J. Jones, I don't know whether he hath his Pardon or not.

Mr. At. Gen. There is no Indictment at all upon him.

Mr. Just. Levins, If he were Convicted, or Outlawed of Treason, it were something ; an innocent Man may be charged.

Mr. Rumsey, My Lord, *Mr. Cornish* and I have been very well acquainted these Fourteen Years, or thereabouts, and have had great Concerns together ; for during the time that I managed the King's Customs at *Bristol*, Six Years I was there Collector, he did return between 3 and 400000 l. for me ; he is a very honest Gentleman, and I appeal to himself, whether I take delight to appear here to accuse him.

Mr. Cornish, But Colonel, what is the Reason that you have not accused me all this while ?

Mr. Rumsey. *Mr. Cornish*, I hope that is not an Objection ; I think I suffer for it, and not you ; it was Compassion, and the same Compassion makes you deny it to save others ; if you would deal openly, I make no doubt, but you might partake of the King's Favour yet, as well as I have done.

Mr. Cornish, I do thankfully accept of His Majesty's Favour at all times ; but I thank God I am innocent in this Matter, and do not stand in need of it.

Mr. Rumsey, And you say I accuse you falsely ; then *Mr. Cornish*, you don't stand there nor I here.

Mr. At. Gen. Pray will you ask him any Questions?

L. C. J. Jones, But pray don't enter into a long Harangue.

Mr. Cornish, My Lord, I do humbly conceive that he does not stand here as an Evidence.

L. C. J. Jones, You have the judgement of the Court for that.

Mr. Cornish, Before he is pardoned?

L. C. J. Jones, I don't talk of a Pardon; what Record have you against him?

Mr. At. Gen. You were present and heard that resolved before in my Lord *Russel's* Case.

Mr. Cornish, My Lord, *Mr. Rumsey* did upon his Evidence give in, and he was obliged by his Oath to speak the Truth, and the whole Truth-----

L. C. J. Jones, Now you are making your Speech, it is not your proper time; you shall urge any thing against *Mr. Rumsey's* Evidence, or the credibility of it when it is your time.

Mr. Cornish, My Lord, I do here design it.

Mr. At. Gen. *Mr. Rumsey,* Pray recollect; had you never any Discourse with him at other Times?

Mr. Rumsey, We have had a long Acquaintance, Fourteen Years, but in my Life, I never heard him speak any thing before or since that, to my Knowledge.

Mr. At. Gen. *Mr. Cornish,* will you ask him any more Questions?

Mr. Cornish, I desire to know-----

Mr. Rumsey, What would you know?

Mr. Cornish, Whether did you and I discourse of these Matters at any other time?

Mr. Rum

Mr. Ramsey, No.

Mr. Justice Levens, You must not stand to Dialogue between one another, but speak as we may hear you.

L. C. J. Jones, You shall argue if you will, when you come to make your Defence in the proper time, the improbability of any thing that he hath said, or the impossibility, or repugnancy to any Truth, or any Evidence that you can give to the contrary ; but I say, this is not your time.

Mr. Cornish, I never was at any Consult in my Life.

Mr. At. Gen. That is a Name he gives it ; was you never at a Meeting about a Rising ?

Mr. Goodenough Sworn.

Mr. At. Gen. Mr. Goodenough, are you acquainted with *Mr. Cornish* ?

Mr. Goodenough, Yes, Sir.

Mr. Cornish, My Lord, I humbly conceive he is not a Witness, he stands indicted upon an Outlawry ; I can produce it.

Mr. At. Gen. We do admit it.

L. C. J. Jones, They admit your Exception, and will answer it by producing a Pardon.

Mr. Cornish, I need not say any thing against him, he is known well enough.

Mr. Just. Wilsins, He was your Under-Sheriff, *Mr. Cornish*.

Mr. Cornish, Much against my Will ; I oppos'd him to the utmost ; and this is nothing but Malice against me.

Mr. Goodenough's Pardon Read.

Mr. Cornish, I do humbly conceive this can't be done, but by a Writ of Error, or an Act of Parliament.

L. C. J. Jones, Can't the King Pardon an Out-lawry?

Mr. Just. Wythens, This is no piece of Law, I am sure of it.

Mr. A. G. Goodenough, Pray what do you know of a Rising intended against the late King?

Mr. Goodenough, All that I have to give an Account of, is a Discourse ---

Mr. At. Gen. Answer what I ask? What do you know of a Rising by others?

Mr. Goodenough, I know nothing of that Business of my Lord Russell's; but there was a Design to Rise, Sir, in London; we design'd to divide it into twenty Parts, and out of each Part to raise five hundred Men, if it might be done, to make an Insurrection.

L. C. J. Jones, What were these Men to do when they were Raised?

Mr. Goodenough, They were to take the Tower, and drive the Guards out of Town.

Mr. Attorn. Gen. Pray acquaint my Lord and the Jury, what discourse you had with Mr. Cornish.

Mr. Goodenough, Before this was agreed on by us, I chanced to be at Alderman Cornish's; Sir, said I; now the Law won't defend us, tho' we be never so innocent; but some other Way is to be thought on; upon this, said he, I wonder the City is so unready, and the Country is so ready. I said to him
again,

again, Sir, there is something thought of to be done here ; but, says I, in the first place the *Tower* ought to be seized, where the *Magazin* is ; upon this he made a little pause, and said, I will do what I can, to this purpose he answered me ; and about some time after he met me upon the *Exchange*, and asked me how *Affairs* went ? which I understood to be relating to what we discours'd ; this is all I can say. I never met after this, but only upon the *Exchange*, he asked me how *Matters* went.

Mr. Attorn. Gen. Was there any discourse about seizing the *Guards* ?

Mr. Goodenough, I have told you the whole Discourse.

Mr. Att. Gen. Pray repeat it.

Mr. Goodenough, I told him, says I, Sir, now it is plain, the *Law* will not defend us, tho' we are never so innocent, or to this purpose.

Mr. Sol. Gen. Upon what Occasion was that Discourse ?

Mr. Goodenough, Every thing going against us.

Mr. Sol. Gen. How ?

Mr. Goodenough, This was in *Easter-Term*, as near as I can remember, 83.

Mr. Att. Gen. Ay, 83.

Mr. Goodenough, Therefore, says I, something else to be thought on, some course else is to be taken : To this purpose he answered me, I wonder the *City* is so unready, and the *Country* so ready.

L. C. Baron, What *Country* ?

Mr. Goodenough, He had been in the Country, as I understood, before, that I don't know.

Mr. Cornish, What time was this, Sir ?

Mr. Goodenough, In *Easter-Term*, or thereabouts 83, I told him then, Sir, there is something thought of to be done here in *London*, to this purpose ; but, says I, in the first place, the *Tower* is to be seized, where the *Magazin* is ; so he answered me, after some pause (he paused upon it) says he, I will do what good I can, or what I can, to this purpose.

Mr. Sol. Gen. Did he seem to dislike seizing the *Tower* at all ?

Mr. Goodenough, Not at all, Sir, it did not appear so to me.

Mr. Sol. Gen. What Discourses had you any other time ?

Mr. Goodenough, I never had any Discourse of this matter, or any thing relating to it at any other time, but only when I came upon the *Exchange*, how things went.

Mr. Sol. Gen. And did you give him an Account ?

Mr. Goodenough, I said, Well ; I gave him a general, for that was not a Place to talk in, and that I apprehended of this Discourse.

Mr. Sol. Gen. Had you any other matters ?

Mr. Goodenough, I had some other matters of managing the Riot, that was brought against him, and several others, and my self also.

L. C. Just. Will you ask him any Questions, Mr. Cornish ?

Mr. Cornish, Whether his Pardon be allowed ?

L. C. J.

L. C. J. Jones, We heard it read.

Mr. Cornish, This being a Court inferiour to the King's Bench -----

L. C. J. Jones, Here is a Pardon under the Great Seal, Sir, and here is a Pardon of that Offence which you charge him with, and which you take to be a sufficient Exception against his being a Witness; we are satisfied it is sufficient.

Mr. Cornish, Pray, my Lord, is not this Pardon Special?

L. C. J. Jones, What do you mean by that?

Mr. Cornish, Because, my Lord, he hath been in an Act of Treason since; therefore, my Lord, if he be not pardoned of that ---

L. C. J. Jones, No, no, he is not Indicted for it; we can't try him now for any Treason of that nature.

Mr. Cornish, I humbly conceive he hath had a Pardon for his last Treason.

L. C. J. Jones, I must tell you, if he be guilty of Treason, till he is Tryed and Convicted, it doth not take off his Testimony.

Mr. Cornish, Pray, *Mr. Goodenough*, remember all your Tricks, whether or no, was there any body present when this Discourse past between you and I?

Mr. Goodenough, No body but you and I?

Mr. Cornish, You were not so conversant in my House, I know.

Mr. Goodenough, Sir, I came to you about the Business of the Riot.

Mr. C.

Mr. Cornish, How many times might you be at my House ? not three times, I believe.

L. C. J. Jones, You ask a Question , and answer it your self.

Mr. Cornish, My Lord, I desire to know, where these Words were spoke.

Mr. Goodenough, Sir, in your lower Room.

Mr. Cornish, In my own House ?

Mr. Goodenough, Yes, Sir.

Mr. Cornish, And no Company there ?

Mr. Goodenough, And no Company.

Mr. Cornish, That is very strange ; and that afterwards you should meet me , and discourse this this matter again.

Mr. Goodenough, No, Sir, all I say, is this ; you met me upon the Exchange, and asked me how things went.

Mr. Cornish, That might be in reference to the Suit you were managing for the Rioters ; I know of nothing else.

Mr. Just. Wythens , And I tell you, Mr. Cornish , that was a Branch of the Plot ; take that from me.

Mr. Cornish , My Lord , he was Attorney in that Cause ; and I might ask, how matters went in reference to that Tryal, but I take God to witness, nothing else, as I remember.

L. C. Just. Jones , But here you say, it was a strange thing that Mr. Goodenough and you should be in a Room alone, when you acknowledge him to have been the Attorney in a Cause of mighty Consequence among you.

Mr. Cornish , He was concern'd for all, and
I fled.

I stedfastly believe he was never with me twice about a Suit; but he hath been at Sir *Thomas Player's*; there he often went about that Affair; and I do not believe that ever he came to me about that Business.

L.C. J. Jones, Is that all you have to say to him, Sir?

Mr. Att. Gen. Will you ask any more Questions? If not, go on, we have done.

Mr. Cornish, My Lord, Colonel *Rumsey* is a Person that hath acquainted the Court, that there was a long acquaintance between him and me. I have served His Majesty in my Place, and do it to this Day. My Lord, it is a very improbable thing, that I should meet him at *Mr. Sheppard's* where I saw such wicked and horrible doings; and that he should never afterwards speak to me about that Affair; he came to my House, I remember, about the return of some Moneys for his own private use; for he was then out of His Majesty's Employment. He does declare here, he never said a Word to me, never spake to me any thing of it but there. My Lord, it is a very strange thing, that there should be such a Contrivance to ruin the King and Kingdom, and that I should be one in this Business, this Villany, and not be consulted how to carry it on; it is very strange, they should see me, and never say a Word of it afterwards to me. My Lord, I hope, and you, Gentlemen of the Jury, that you will consider the Improbability of it; it is as improbable as any thing in the World. I hope it doth appear to your

Lordship and this Bench, that there is no probability in it ; he owns he had a great deal of Freedom ; he owns we were acquainted for Fourteen Years together, and that I should be at such a wicked Villainous Place once, and see him so often afterwards, and never speak of it, and never say any thing of it; the Great God of Heaven and Earth, before whom I stand, knows that I know nothing of all that he hath sworn against me : He must swear these Things to save his own Life ; if he will take away my Life, he will take away many others, without question, if he can save his own. I should not urge this, but God is my Witness, I never heard any thing of a Contrivance or Plot, till my Lord *Russell's* Tryal. These are very strange Things, if so be so good a Government as we have, shall not protect such innocent Men ; truly, my Lord, I am as innocent as any Man in this Court, if I were to appear before the Great God in Judgment this Moment.

L. C. J. Jones, Look you, *Mr. Cornish*, I would with all my Heart allow you all the Liberty imaginable, to speak pertinently to your Defence, but to oppose Confidence, and very great Assurance, upon your being in the presence of Almighty God, against express Testimony, is the weakest Defence that can be ; if you have any Witnesses, if you have any thing to urge against the Testimony of any of these Persons, besides the improbability of it, which you have often mention'd over and over again ; you shall be heard with all Patience, if you have Witnesses

ses that you will call, we will hear them likewise.

Mr. Cornish, My Lord I think his Treason being confessed, and not being pardoned----

Mr. Just. Withins, Is that all you will say, *Mr. Cornish*?

Mr. Cornish, I hope you will bear a little with me, I am highly concerned.

L. C. J. Jones, You are so.

Mr. Cornish, I have had no help, and it is well known, I am not skilful in the Law. I don't understand what to say, nor how to plead my Cause, having no help, nor no assistance allowed me. My Lord, it is a most improbable thing that I should be at this Place, where this horrible Wickedness was, and that it should lie all this time never mentioned: I have been, my Lord, several times in Prison this Year, and I think my Vertue will be so much the greater, to be again and again purged, as I have been; that which hath pleased me very much, hath been my innocence: Would any Man in my Circumstances have staid and in this Nation, if he continued had not known himself perfectly innocent? others have gone away, and I could as freely have gone, after I have been taken up Four times.

L. C. J. Jones, I doubt there are a great many more not gone, *Mr. Rumsey* hath told you plainly, that he had compassion to you, though injury to himself, that he did not accuse you sooner.

Mr. Just. Levins, Here is *Gaunt* staid here till within this Week or Fortnight, and never stirred.

Mr. Just.

Mr. Just. Withins, *Mr. Cornish*, my Lord hath put you in the right way for your Defence, if you can invalidate the Testimony, or call any Witnesses, do it; but to talk at this rate, you may do it this Month (for ought I know) and 'twill signifie no more than it hath done already.

Mr. Cornish, The Improbability is so manifest.

L. C. J. Jones, Is it enough to say, Improbability, Improbability, Improbability? Is that enough? Have you said any more?

Mr. Cornish, My Lord, I have said this, that this Gentleman, that should be so conversant in the Town, I in his Company, and he in mine, is it not improbable? -----

Mr. Just. Levins, Look you, *Mr. Cornish*, I will tell you what the Method is, to give Evidence first, and then apply it in summing up the Evidence; if you were summing it up, the Court hath all the Reason in the World to hear you, if you have Evidence, the way is, to give your Evidence, and apply it if you can.

Mr. Just. Withins, Have you any Witnesses.

Mr. Cornish, Against *Mr. Rumsey*.

Just. Withins, Against any Body, *Mr. Rumsey* you will.

Mr. Cornish, My Lord, I humbly conceive that this Witness, *Mr. Rumsey*, ought not to stand if your Lordship satisfies me, I shall be very much obliged to your Lordship: He declared upon his Oath, when he swore against my Lord *Rumsey* that he had nothing else to swear against any Man.

Mr. Just. Withins, How does it appear?

Mr. Cornish

Mr. Cornish, I will produce it, if your Lordship pleases to give me time.

Mr. Just. Withins, But afterwards he discover'd a great deal more.

L. C. J. Jones, Look you, Sir, if you have any Exception against *Mr. Ramsey's* Testimony, we will hear you, propound a legal Exception.

Mr. Cornish, My Lord, I humbly conceive, he not producing his Pardon, his Evidence is not good.

L. C. J. Jones, You have had the Opinion of the Court.

Mr. Cornish, If your Lordship over-rule me.

L. C. J. Jones, We must over-rule you.

Mr. Cornish, If that will not be granted me.

L. C. J. Jones, Then you have no more to say?

Mr. Cornish, But for my Innocency, for that (I know) I have enough to say.

L. C. J. Jones, That is in your own Breast, the Jury can't see that: Will you call any Witnesses?

Mr. Cornish, I have some Witnesses to call here, as to *Mr. Goodenough*, my Lord.

L. C. J. Jones, What is your Exception against *Mr. Goodenough*.

Mr. Cornish, My Lord, it was my most great Unhappiness and Misfortune, that this *Goodenough* was admitted into the Office of Under-Sheriff; and, my Lord, that I might fully convince your Lordship and this Court, all that I desire is, some few Men may be call'd; besides, I think, there are

are a Thousand, I may say, that will bear me Witness, I did oppose him.

L. C. J. Jones, But pray, *Mr. Cornish*, is that an Exception that he does not swear true, because you would not let him be your Under-Sheriff?

Mr. Cornish, It looks like Malice.

L. C. J. Jones, You did admit him to be Under-Sheriff, all the World knows that.

Mr. Cornish, But I can set forth that I did oppose him, and the Reasons why I did oppose him.

L. C. J. Jones, You may, if you will, give Evidence, what an Instrument he was to you, and how he served you in your Office, when you were Sheriff; Is this to the purpose?

Mr. Cornish, Yes.

L. C. J. Jones, It is not at all to the purpose.

Mr. Cornish, My Lord, I was imposed upon by my Partner.

L. C. J. Jones, You could not be imposed upon, you had equal Power with your Partner.

Mr. Cornish, If your Lordship pleases to consider the Temper of that Man.

L. C. J. Jones, What Man?

Mr. Cornish. *Bethel*, I mean, what an obstinate Man he was. My Lord, I hope I can purge myself greatly in these Matters.

L. C. J. Jones, If you will, tell what you will call them.

Mr. Cornish, The great Aversion that I had.

Mr. Attor. Gen. We will admit that, he did oppose him, because he would have had more Money.

Mr. Just.

Mr. *Just. Withins*. You have heard the Opinion of the Court.

Mr. *Just*. It is not material whether he came in with or without your consent.

Mr. *Cornish*. Mr. *Gosfright*, will you be pleas'd to declare to my Lord, how I was impos'd upon, by offering *Goodenough* to be Under-Sheriff?

Mr. *Gosfright*. My Lord, after that *Bethel* and *Cornish* were chosen Sheriffs, they had some meetings together concerning an Under-Sheriff; Mr. *Bethel* he named *Goodenough*, Mr. *Cornish* he named another; they cou'd not agree, the difference did arise in three or four, or more days debate, as I remember, and Mr. *Cornish* did tell Sheriff *Bethel*, He was resolved if *Goodenough* were Under-Sheriff, he would Fine, and not hold, and told him the reason why: He said he was a Man that he would not trust a Hair of his head with, and he had no knowledge, he believed, of the business; but withal, he told him, he was a Man obnoxious to the Government, and he was an ill Man, and had done ill things, and he would not put his Estate and his Reputation in the Hands of such an Under-Sheriff: *Bethel* he insisted upon it, and he was resolved he would have *Goodenough*, and *Cornish*'s Man should not be.

L. C. J. *Jones*. Who was *Cornish*'s Man?

Mr. *Gosfright*. I know the Man, but forget his name.

——— *Millman*.

L. C. J. *Jones*. Can you tell what *Goodenough* was give for the Under-Sheriffwick?

Mr. *Gosfright*. No, indeed.

L. C. J. *Jones*. Was there no discourse?

Mr. *Gosfright*. Not in my hearing.

L. C. J. Jones. Was Goodenough Under-Sheriff to Cornish at last?

Mr. Gosfright. Yes, Sir.

L. C. J. Jones. How did they agree?

Mr. Gosfright. I believe the Animosities were great, that they never were reconciled; for Cornish had so belspatter'd Goodenough that he was so ill a man that Goodenough, I believe, could never digest it well.

L. C. J. Jones. Did you hear any angry Words after he was admitted to be Under-Sheriff?

Mr. Gosfright. Truly, I never was at Alderman Cornish's while he was Sheriff: But I heard that character of him.

L. C. J. Jones. And that was the reason you did not go to Mr. Cornish.

Mr. Gosfright. No, I believe Goodenough never came there; but I was at neither of their Houses.

Mr. Just. Levins. Pray how many Juries did you help him in?

Mr. Gosfright. Truly I was so little acquainted, could not help him.

Mr. Justice Levins. I heard other People say the contrary.

Mr. Gosfright. I was but newly come into England, and could know no Man.

Mr. Cornish. Alderman Love.

L. C. J. Jones. To what purpose do you call him Sir? To the same?

Mr. Cornish. It is evidently to declare how much I was imposed upon.

L. C. J. Jones. Psha, I will tell the Jury, I will do this for you, upon this Man's Testimony, that you were unwilling that Goodenough should be Under-Sheriff.

Mr. Cornish. My Lord, there is a great deal more in

L. C. J. *Jones*. What is there more; he never heard an angry word between you, during the time, he says, after you admitted him to be Under-sheriff.

Mr. *Corriss*. Mr. *Love*, will you please to declare to the Court, what aversion I had to Mr. *Goodenough* being the Under-sheriff.

Mr. *Love*. My Lord, I did receive a Sub-pœna last Night, and I wondred at it, I confess, ever since I was so happy to get out of publick Employment, having apply'd my self to my private Affairs, never came to Guild-Hall. But all I can say, is this, that when it was publickly talkt upon the Exchange, meeting Mr. *Corriss* upon the Exchange, I did hear him inclined to have another Man (one I don't know,) to be his Under-sheriff, and that he did not like Mr. *Goodenough*, but was inclined to another Man, but it is so long ago, I believe I might persuade him, having been Sheriff above twenty years ago; to Mr. *Hastings*, an honest Man, I got my *quittus* off, without trouble: But I must say this for the Gentleman, I did hear him complain, that he was impos'd upon to take this Man.

L. C. J. *Jones*. How long was this after the time?

Mr. *Love*. It was before they had pitched upon a Man, and he was much inclined to one Mr. *Milborne*, or *Milman*, or some such name, that is all I can say.

L. C. J. *Jones*. Do you think we sit here to hear impertinencies? God forbid, Sir, I should hinder you from giving any evidence, but this is not at all material.

Mr. *Corriss*. If your Lordship please to let Mr. *Skyl* come, he will tell you what this Man did declare, why I was against him.

L. C. J. *Jones*. If you had not entertain'd Mr. *Good-*

Goodmough, then there might be something of Malice in it, but you did receive him. I know with you

Mr. Cornish. I had private Covenants with Bethel before I would let him come into the Office. Mr. Jekyl, pray will you declare to my Lord, and the Jury, what aversion I had against Mr. Goodmough being Under Sheriff?

Mr. Jekyl. Truly my Lord, Alderman Cornish and I, living near together, I had occasion to go him several times, about Bills of Exchange, and he told me, when he was Sheriff, how he was troubled with Bethel, because he would put Goodmough upon him; for I don't intend to have him, says he, for I know he is obnoxious to the King and Government, and desired me to speak to Mr. Bethel about it, but I had no acquaintance with him till he was Sheriff. And some came to me, to desire me to speak to Alderman Cornish, to receive Goodmough; truly, says I find him so averse against him, that it is not in me to persuade him, to take a Servant he casts such trust and confidence in, for I saw Alderman Cornish was so averse to it, that I would not do it.

Mr. Sol. Gen. Pray, do you think, in your Conscience, he was more obnoxious to the Government than his Partner, Sheriff Bethel, was?

Mr. Jekyl. I must confess, I have heard much of Sheriff Bethel, but I never heard that Cornish was a disaffected Man to the Government.

Mr. Sol. Gen. But which was the most disaffected Man to the Government, Bethel or Goodmough?

Mr. Jekyl. Truly, as I remember, he said, would not have him, because he was obnoxious to the King and Government.

Mr. Just. M. This Gentleman was in a

of the Plot himself, as great a Rioter, and as hot as any of them, this Evidence that they call: I remember you, Mr. *Jekyl*, I'll assure you.

Mr. *Cornish*. If Sir *William Turner* be upon the Bench, I desire him to speak.

L. C. J. *Jones*. We will hear Sir *William Turner* any thing.

Mr. *Cornish*. I desire he would declare how I was used.

Sir *William Turner*. I don't remember that ever I saw Mr. *Goodenough's* face before this time; so I have nothing at all to say against him, nor can I say any thing, but what Mr. *Cornish* told me, and that was he once came to my House some time after he was chosen Sheriff, and told me, that Mr. *Betbel* pressed very much for taking *Goodenough* to be his Under-sheriff, that he had no mind to accept him, and he would propose another, and it caused a great difference, but it was at last composed, but how I can't tell.

L. C. J. *Jones*. Now, Mr. *Cornish*, by my consent, if you will, call all the Aldermen upon the Bench; whether they will, or will not, say the same thing, for my part, I will agree, that they have given Evidence (if they will be contented themselves) to the same purpose.

Mr. *Cornish*. My Lord, I shall not give your Lordship unnecessary trouble, but I think it is convenient to call some Witnesses, to prove the manner of my Life and Conversation.

L. C. J. *Jones*. Your Life hath not been in the dark.

Mr. *Cornish*. The Dean of *Canterbury*, Dr. *Tillotson*, (who did not appear.)

L. C. J. *Jones*. Will any Man attest your Loyalty *London*.

Mr. Cornish. The Dean of *Norwich*, *Dr. Sharp.* Is the Dean of *Norwich* here?

Officer. No, Sir.

Mr. Cornish. My Lord, here is *Mr. Lane*, I desire he may be asked what he knows.

Mr. Lane. Upon the Tryal of my Lord *Russell* according as *Mr. Cornish* desires, I may be heard, I am with respect to Colonel *Rumsey's* Evidence; Colonel *Rumsey* says, in my Lord *Russell's* Tryal, he did not hear the Declaration read, because it was read before he came there.

Mr. North. Were you present at my Lord *Russell's* Tryal?

Mr. Lane. No, Sir.

Mr. Justice Levins. Sir, that signifies nothing.

Mr. Cornish. That is a very material thing, my Lord.

L. C. J. Jones. What is? it is no proof at all.

Mr. Cornish. Not the Printed Tryal.

L. C. J. Jones. No.

Mr. Cornish. It is by Authority.

L. C. J. Jones. Any body that was present may swear it.

Mr. Cornish. My Lord, I desire I may have the Minister of the Parish, *Dr. Calamy*, for my constancy at my Parish Church, and receiving the Sacrament, according to the Rites of the Church of England; that I am, to all appearance, a Person that does as well affect the Government as any Man.

L. C. J. Jones. I doubt you are all appearance.

Dr. Calamy. My knowledge of *Mr. Cornish*, has been since I came to be Minister of the Parish, which is about two Years, a little above two Years; whenever he was in Town he did use to come to Church as constantly as any one, and come with his Family

to Prayers, and did come to the Sacrament; and he did not only come at *Easter*, to save himself from a Presentment, but at our monthly Communion; and since I have been Minister of the place, I have often conversed with him: All that I can say, is, that I never heard him say a disrespectful word of the Government.

L. C. J. Jones. I hope he took you to be a Man of another Kidney.

Dr. Calamy. I marked his Words, because of the Character I had heard of him.

Mr. Att. Gen. Pray, what was the Character he had before those two Years?

Dr. Calamy. That was what was publick,

Mr. Cornish. Joseph Reeve, *Esq;*

Mr. Reeve. My Lord, I received a Sub-pœna, from the Prisoner at the Bar, yesterday. I have been acquainted with him about fourteen or fifteen Years, and had a considerable Trade with him, and sometimes we had some conversation, and drank a glass of Wine together; I thought he was always very Loyal, and drank the late Kings Health, and this Kings Health and all the Royal Family. I have no more to say.

Mr. Cornish. *Mr. John Cook.*

L. C. J. Jones. What do you examine this Witness to?

Mr. Cook. My Lord, I have dealt with him for these twenty Years last past; I always found him a very honest Man, and a just Man, and very upright in his dealing; I always reckon'd him a very honest just Man; I have dealt with him for great Sums, and always knew him very just and upright.

L. C. J. Jones. Your Observation of him, as to the Government.

Mr. Cook. I never knew any thing to the contrary, but that he was always very Loyal.

Mr. Cornish. Mr. John Knap.

L. C. J. Jones. Mr. Cornish, it is not impossible for you to produce Men enough, that shall say, they know nothing against you, concerning the Government, and that you have been a Loyal Man; sure those you chuse will say so, you have chose them, and perhaps, if it were the business of the King's Council, they could do contrary: You are not accused touching your general Conversation, but concerning a particular Fact.

Mr. Cornish. It is improbable I should be a Person ever concern'd in these matters, if you consider, you find *Cornish* mention'd only about being there.

L. C. J. Jones. Does not *Mr. Rumsey* tell you the meaning why?

Mr. Cornish. It is very strange a man should be at such a Hellish Meeting, and I see him over and over so many times, and never speak of it again.

L. C. J. Jones. Mr. Cornish, Do not you know that *Goodenough* could not be produced, till the Rebellion in the *West*?

Mr. Cornish. Is it probable that I should entertain any Treasonable Discourse with *Mr. Goodenough*, when I had so much opposed him in coming into the Office?

L. C. J. Jones. But you let him in,

Mr. Cornish. It is known to hundreds in this Town that I was impos'd upon by an unreasonable man, my Innocency is as great as any man's, and my Virtue should be considered, when I have been under these Impositions. I have been Loyal and Dutiful to my Prince, and Faithful to the Government in all respects. I have opposed all manner of Heats, as much as any man whatsoever: I can bring hundred

shew, that where I heard Heats I allay'd them ; and it is strange I should be such a man as I am represented here.

L. C. J. *Jones*. Have you done, Sir ?

Mr. *Cornish*. My Lord, I have thus much further to say, that I do think there is no probability that I could be at this Meeting ; though a man should have care how he takes God's Name in vain, I have said and I do in the presence of the great God of Heaven declare it, I was never at any Debate about these Affairs : I take the great God to witness, I would not do it for a whole World, if I were not innocent. My Lord, it is most improbable what Mr. *Rumsey* says.

L. C. J. *Jones*. It is a probable thing that *Rumsey* should forswear himself ; it is a probable thing that *Godencugh* should forswear himself, who have taken the great God to Witness to the Truth of what they hear against you ; but it is improbable that Mr. *Cornish* should not speak the Truth.

Mr. *Cornish*. I will call some other Friends, if your Lordship please, to prove my Loyalty.

Mr. *Knap*. I ever found him a fair good Paymaster.

Mr. *Attor. Gen*. He calls you for his Loyalty. Did you never hear him speak any thing against the Government ?

Mr. *Knap*. I have not been in his Company but now and then.

Mr. *Cornish*. Did you ever know me speak against Government ?

Mr. *Knap*. No, Sir.

L. C. J. *Jones*. I marvel that you, who have been Alderman a great while, don't call some of the Aldermen ;

Aldermen : You have call'd Sir *William Turner*, a very worthy Alderman, I wonder you don't call for others of your Brethren that are known Persons.

Mr. Cornish. *Mr. Carleton.*

Mr. Carleton. I have been acquainted with my Cousin *Cornish* ever since the Year 61, when, being a Merchant, Trading in Cloth, I began my acquaintance with him; and afterwards he recommended me to the Party I married; and being Relations, we had great intimacy together; I have been several times at his House; he did always assure me of his Loyalty: I have told him what I have heard People say abroad; but he did assure me he was Loyal, and I do hope the very same of him.

L. C. J. But you remember you have heard that he was not a Person of such eminent Loyalty.

Mr. Carleton. That was upon the account, my Lord, of his being in with *Bethel*, but he did always assure me of it.

Mr. Cornish. My Lord, I hope your Lordship will consider what temper the man was of that I was to be with, and how obstinate he was; and I hope I shall not answer for his Crimes.

Mr. Just. *Mr. Cornish*, Why did you qualify yourself to serve with him? for you were not at all qualified.

Mr. Cornish. I had been travelling up and down in the Country.

Mr. Just. At that time to qualify your self to be an Officer; then you could lay aside all your Sins, and receive the Sacrament.

Mr. Cornish. *Joseph Smart Esq.*

Mr. Smart. I have known *Mr. Cornish* above twenty Years, and dealt with him considerably; I never knew him but a very fair Dealer.

Mr. Cornish. Mr. William Crouch.

Mr. Crouch. I have had acquaintance a great while with *Mr. Cornish*, and have had several Dealings; I found him a very honest Dealer, and a good Paymaster.

L. C. J. Jones. What know you of his Loyalty?

Mr. Crouch. For his Loyalty, I took it as the Town did; though I never knew any Disloyalty from him.

Mr. Cornish. Mr. James West.

L. C. J. Jones. Do you think you profit your self with this Testimony?

Mr. Cornish. I would not offend you.

L. C. J. Jones. No, no, you don't offend; I would gladly hear you, if there were any thing pertinent to your Defence.

Mr. Just. Withins. *Mr. Cornish*, you have this happiness, that you will be tried by your Fellow-citizens, of very good Quality and Understanding, I must needs tell you.

Mr. Cornish. I am satisfied I have appeared here with all the care and caution that becomes an honest man; I have spoke nothing but what I have considered as I have been in the Presence of the Great God: I never was at any Meeting, nor never heard any thing of this till the Trial about my Lord Russell, never heard one Word.

L. C. J. Jones. Gentlemen of the Jury, The Prisoner at the Bar, *Mr. Cornish*, Is indicted, That knowing that there was an Insurrection intended to be against the late King of blessed memory, he did promise to be Aiding and Assisting in it: This is the Substance of the Indictment; There have been two Witnesses produced, *Mr. Rumsey* and *Mr. Goodenough*. *Rumsey's* Testimony (so far as I am able to remember,

ber, after so long a Discourse, and so much time that hath been spent) was to this purpose; That the Duke of *Monmouth*, the Lord *Russel*, *Ferguson*, and others, being in *Mr Sheppard's* House, there came length *Mr Cornish*, and excus'd himself for coming late, and said, That he was to depart from them very speedily, because he was to go to attend the Business (as I take it) of the Charter, where the presence of an Alderman was necessary, and none like to be there but himself: That *Ferguson* pull'd a Paper out of his Bosom, so says *Mr Rumsey*, and upon the desire of the Company, it was read to *Mr Cornish*, and *Sheppard* held the Candle; there were the two Points, *Rumsey* says, they had agreed on in the Paper; When the Rising should be, they would declare for Liberty of Conscience, and for the Restoration of those Lands, Bishop's Lands and King's Lands, to those Persons from whom they had been taken after the King's Restauration. This Paper being read to *Mr Cornish*, he said, He did like it very well, (these were the very Words of *Rumsey*) and with that poor Interest that he had in the World, he would join in the assistance of them, for those Ends and Purposes that were mentioned in that Declaration. Then comes *Goodenough*, and he tells you That he came to him in his Parlour, when he was Sheriff, said, Now there was no safety, no defence at all by Law, all was gone; there must be some other course taken, for the Law would not sufficiently protect them: Why? says *Mr Cornish*, I marvel they are so slow in the City, when they are so ready in the Country: Ay, but says *Goodenough* again to him there hath been something done in the City. This was after the time that the City had been put into

eral Divisions. I don't see there is any Testimony
 om Mr Goodenough, that Mr Cornish knew any
 ing of that ; but, says he, There is something
 one here, the Tower is to be seiz'd, there is the
 Magazine, and that is to be seiz'd upon, and then
 e shall be able to do something, says he, I will do
 hat good I can, or, says he, what I can ; he is not
 onfident whether of these Expressions he did use,
 will do what good I can, or I will do what I can.
 afterwards he meets Mr Cornish upon the Exchange.
 ere, I confess, it is not so expressly to be applied to
 is purpose, that it doth fasten directly upon the point
 the Indictment ; but, says he, How do Affairs go ?
 ys he, How do our Affairs go ? very well. This is
 e Testimony given against him. If this be true, not-
 withstanding Mr Cornish's protestations of his In-
 nocency, sure there is nothing doth more plainly
 ove this Indictment than this Testimony. He
 ys, it is improbable, very improbable, that I in
 y circumstances, that I should say so, it is im-
 robable, because Mr. Ramsey had Acquaintance with
 e for fourteen Years together, that I have dealt
 ith him for vast Sums, and that I should say it in
 s Presence never but once, and that Ramsey does
 y, He never heard him speak any thing to that
 urpose, but that one time ; and therefore it is
 ighty improbable I should say so. But what is
 e reason, says he, that this was not discovered be-
 re ? To this Ramsey gives a very positive answer :
 ruly, says he, Mr. Cornish, I had more Compass-
 on for you, than for my self ; I have suffer'd for it,
 ou have not suffer'd for my silence. Then Good-
 ough ought not to be allowed to be a competent
 itness, because when Mr. Cornish and Bethel were
 chosen

chosen Sheriffs of the City, Mr. Cornish
 much against receiving Goodenough to be
 Deputy, and Goodenough must say all this
 maliciously against him; because he so much op-
 posed his being Under-sheriff to him and Be-
 he hath produced several Witnesses to that purpose
 and they say there was some reluctancy in him
 the receiving Goodenough to be his Under-sheriff; but
 it is plain and clear to you all, Gentlemen, and every
 Body in the City knows that Goodenough was his Un-
 der-sheriff, and how well he served him; and to what
 purposes I believe many of you very well know.
 Another improbability is, That he should admit Good-
 enough to come into his Parlour alone, a Man that
 had so much displeased; but if so be he was once
 against him, he did afterwards take him not only
 to be his Under-sheriff; but employ'd him to be his At-
 torney, and then he might very well admit him
 to his Parlour alone, to discourse of his business,
 an Attorney, and this might fall in among other dis-
 course. Gentlemen, there are several other Witnesses
 produced concerning the honesty of his Dealing, and
 the honesty of his Conversation, that they have
 nothing at all to say against; but Gentlemen, in a
 popular City, where he is, and hath been so well known,
 it is a very easie matter to bring millions of Men
 to give the very same Testimony; and certainly he
 bring none, having the choice of them, but such
 shall speak in his favour; but he speaks in the pre-
 sence of God, he speaks from the bottom of his Heart
 that he never had any such disloyal Thought enter
 into his mind. Gentlemen, hath no Body any
 of the presence of God but Mr. Cornish? Hath
 Rumsey call'd God to be a Witness to his Oath?

Wodehouse hath done the like? Why is it maliciously
 against the Life of *Mr. Cornish*? For I don't know
 does, in the least, object any thing against *Rumsey*,
 that there was ever any displeasure between them
 to: Why should he deliver this Testimony if it
 were not the Testimony of his heart? And that which
 says himself, he had too long concealed out of
 the compassion he had for him. Gentlemen, if a
 great many Protestations and Asseverations should
 make a Man as innocent as confident, no Man should
 live by the Sentence of the Law. It is an easie mat-
 ter for any Man to take up the same assurance and
 confidence that he hath done: And for his being
 such a Church-man, as he now pretends himself to
 be, for that is one thing by which he would argue
 the improbability of the thing, and he would have
 you believe very much of his Loyalty from it. Gen-
 tlemen, all the Evidence he hath given, is but of two
 years standing, and since the Tryal of my Lord
Rossel, and such a Man as he, and many Men that
 were conscious to themselves of their Guilt, did
 think it very fit to purge themselves that way, to
 win themselves a good opinion that they were Loyal
 to the Government: But it is not deny'd by *Mr. Cor-*
nish, that before that time he did not frequent the
 Church, nor receive the Sacrament.

Mr. Cornish. These seven Years, my Lord.

L. C. J. Jones. Who did say so? Sure no Body
 said so yet. I repeat the evidence truly, all you said
 that was out of the mouth of *Dr. Calamy*.

Mr. Cornish. *Dr. Calamy* came in but lately, and his
 predecessor *Dr. Whitcote*, is dead.

Mr. Justice Withins. Sir, you were not qualified
 for your Office if you had not took the Sacrament.

L. C.

L. C. J. Jones. You did lay aside all your Sople to Qualifie your self to be Sheriff by receiving the Sacrament, which otherwise you could not have been. Others that have spoken of your Conversation likewise say, that the report was abroad, that you were not so Loyal and Firm to the Government as you ought to have been. Gentlemen, you have heard the Evidence; I have done my endeavour to repeat it faithfully, if you believe that he did Promise to Aid or Joyn, or agree with that Rebellion or Insurrection, then you ought to find him Guilty of this Indictment.

Mr. Cornish. I am as Innocent as any mortal Man.

Then the Jury withdrew, and after a considerable time returned.

Mr. Cornish. My Lord, I hope I may have a word.

Mr. Justice Withins. No, not till your Verdict.

Mr. Bar. Gregory. No, no, **Mr. Cornish**, we cannot.

Mr. Cornish. I had a Witness more that was very material, but I would not offend your Lordship: **Mr. Rumsey** said **Mr. Sheppard** held the Candle.

Mr. Justice Withins. Why did not you call him? you called a great many impertinent Witnesses.

Mr. Cornish. I was not come to him; I would have call'd them in order.

Mr. Bar. Gregory. Why did not you produce him then?

Mr. Cornish. Because your Lordship seemed to be angry.

Mr. Bar. *Gregory*. No, not at all.

Mr. *Cornish*. I did forbear purely upon that Account. I pray, my Lord, let him be call'd.

Mr. Bar. *Gregory*. Here were eight Judges, and my Lord Chief Justice, and now here is only two. Do you think we will defer Things of this Nature? It is never ask'd. Apply your self to the Judges. It is a strange Thing!

Mr. Justice *Withins*. This is only to delay Time.

Mr. Bar. *Gregory*. If he does so, the Jury must go out again.

Mr. Justice *Withins*. After the Jury hath been out an Hour, we must have new Allegations.

Mr. *Cornish*. I was tender of offending.

Mr. Justice *Withins*. That is a Reflection upon the Court. Under Favour, Mr. *Cornish*, I told you my self, over and over, to call your Witnesses.

L. C. J. *Jones*. Is *Rumsey* come in?

Capt. *Richardson*. I have sent for him; he will be here presently.

Mr. *Cornish*. My Lord, I must pray your Lordship to consider my Tenderness in offending you, which made me omit calling Mr. *Sheppard*; I had him in my Paper, he is in my Paper.

L. C. J. *Jones*. Don't you begin your Preface anything untowardly, as though the Court would do you all the Kindness possible. Half a dozen times you were admonish'd to call for pertinent Witnesses; you did call, I am sure, a great many pertinent Witnesses. Had you Mr. *Sheppard's* name in your Paper?

Mr. *Cornish*. Yes, my Lord, but I was tender of offending. Pray, my Lord, be pleas'd to remember

Mr. *Rumsey's* Evidence.

D

L. C. J.

L. C. J. *Jones*. Is Mr. *Rumsey* here? Sir, pray hold your Tongue.

Mr. *Att. Gen.* I would acquaint you, my Lord, I sent a *Subpœna* for Mr. *Sheppard*, but could not find him; but I understand, that Mr. *Cornish's* Son was with him Yesterday, and he has absconded: This, my Lord, I will give an Account of upon Oath. This, my Lord, is a dangerous Practice after Examination and after the Jury is withdrawn.

Mr. *Cornish*. I pray do not aggravate the Matter.

Mr. *Att. Gen.* I must do my Duty for the King.

Mr. *Cornish*. My Son went to him, and found him at Church.

Mr. *Att. Gen.* Now Mr. *Atterbury* is gone. I desire you should have all your Right, but not have Truth put upon the King's Evidence.

Mr. *Cornish*. His Evidence was, Mr. *Sheppard* holding the Candle.

Mr. Justice *Levins*. For God's Sake, could you examine so many to your Reputation, and for an Evidence that was material? But I must tell you, if you will bring Mr. *Sheppard* to be examined, sure it is requisite, that the Witness that swears what you did there, should be Face to Face with him; therefore Mr. *Rumsey* should be here certainly.

Mr. Justice *Withins*. It is fit to have *Atterbury* here, to enquire if he did abscond. If Mr. *Cornish's* Son was with him, and he absconded upon that Account, it is very material. This is a meer Truth put upon the King's Evidence.

L. C. Baron. Mr. *Cornish*, if you intend to produce Mr. *Sheppard* for that, to contradict *Rumsey's* Testimony, I wonder, that you should miss him without you have had some Notice since.

Mr. C.

Mr. Cornish. My Lord, I was not come to him. My Lord, though I have such a vile Charge, I am perfectly innocent.

Mr. Justice Withins. Now you may see what we have got.

Mr. Cornish. I beseech you, my Lord, consider it is as improbable a Thing as any in the world.

L. C. J. Jones. This is running over the same thing twenty Times. Where is Sheppard?

Mr. Cornish. He was here within this Quarter of an Hour.

Mr. Justice Withins. Mr. Cornish, is this fairly done, when you said he was upon the Spot?

Mr. At. Gen. He was Subpœna'd by you; he could not be found to be Subpœna'd by the King.

Mr. Justice Levins. To make the Court come down, and then to have no Notice of the Person at all, sure you may give the Court Leave to take Notice, that they are not civilly dealt with.

L. C. J. Jones. Who told you he was here?

Mr. Cornish. This Gentleman says, he saw him. My Lord, don't be offended.

L. C. J. Jones. I never saw such a Thing; the one was, you and your Partner would not have showed it.

Mr. At. Gen. If he comes, I will give him his share.

Mr. Cornish. My Lord, here is Major Richard Jones to bear Witness, I said I must Subpœna him; I nam'd him before Major Richard Jones again, and said, I must not omit him.

Mr. Justice Levins. Sir, I tell you what, you don't shew'd so little Skill to Day here, but that

you could maintain so long a Discourse with Mr. Rumsey, as you were allow'd to do, and should not offer to call Sheppard to contradict him; you dwelt half an Hour upon it.

Mr. Bar. Gregory. And rely'd only upon the Improbability of the Thing.

Mr. Rumsey. There is another Gentleman in the Tower, the late Lord Grey, that was in Company that can bear Witness of it, that he was in Company, when the Declaration was read.

Mr. Bar. Gregory. Have you been in Company with Sheppards?

Mr. Cornish. I have been at Sheppards very often. Pray, my Lords, don't be offended; my Life will do you no Good. I don't know but here is a Gentleman, that hath been in my Company some Times over since that Business.

Mr. Rumsey. Pardon me, Mr. Cornish, not above three Times since; and then there was other Company.

Mr. Justice Withins. It is impossible for any, but those that were Complices with you, to give such Evidence; and, because they were your Complices, now you won't believe them.

L. C. J. Jones. Are you Subjourn'd by Mr. Cornish?

Mr. Sheppard. I have a Subpoena from the King.

L. C. J. Jones. But were you Subjourn'd by Mr. Cornish?

Mr. Sheppard. Yes, my Lord.

Mr. At. Gen. When?

Mr. Sheppard. Last Night.

Mr. At. Gen. This Morning I was not at Home.

Mr. At. Gen. I shall be at Home to-day.

Mr. At. Gen. I shall be at Home to-day.

Mr. At. Gen. I shall be at Home to-day.

(FR)

Mr. Att. Gen. Was Mr. Cornwall's Son with you yesterday in the Afternoon?

Mr. Sheppard. Yes, Sir.

Mr. Att. Gen. And what Discourse had you with him?

Mr. Sheppard. He was very inquiring and was with me to be here to Day, and I told him I could not tell whether I could or not.

Mr. Att. Gen. Is there any Accompt between you and Mr. Cornwall?

Mr. Sheppard. Yes, Sir.

Mr. Att. Gen. To what Sum?

Mr. Sheppard. One hundred Pounds.

Mr. Att. Gen. That is very well, you were first in.

Mr. Sheppard. About one hundred Pounds.

Mr. Att. Gen. Who is Debtor?

Mr. Sheppard. I am Debtor.

Mr. Att. Gen. How much money did you contract that Debt to?

Mr. Sheppard. One hundred Pounds.

Mr. Att. Gen. Ay.

Mr. Sheppard. I believe it was some six or eight Months ago.

Mr. Att. Gen. For what was it? Upon what Accompt?

Mr. Sheppard. For Cloth, Sir.

Mr. Att. Gen. Was there now Money lent?

Mr. Sheppard. Money lent me.

Mr. Att. Gen. Ay, Sir.

Mr. Sheppard. No, Sir.

L. C. J. Jones. Is the Debt due to Mr. Cornwall?

Mr. Sheppard. My Lord, the Debt is due to him.

L. C. J. Jones. Or some Body for whom he is Factor?

Mr. Sheppard. I am indebted to Mr. Cornish, for whom it is, I can't tell.

Mr. Soll. Gen. Did you leave Word whither you went, when you went out Yesterday?

Mr. Sheppard. No, Sir.

Mr. Soll. Gen. Which Subpoena was sent'd last upon you?

Mr. Sheppard. Mr. Cornish's Yesterday.

Mr. Soll. Gen. What Time Yesterday was it served upon you?

Mr. Sheppard. Presently after I came out of Church in the Afternoon, Sir.

L. C. J. Jones. What have you to say?

Mr. Cornish. My Lord, Mr. Ramsey was pleas'd to give in his Evidence, that I had been at a Conference or Meeting at Mr. Sheppard's House, where Mr. Ramsey should pluck out a Declaration out of his pocket, and should read it by the Candle, and Mr. Sheppard should hold the Candle to him while he read it.

L. C. J. Jones. Do you remember Mr. Cornish was ever at your House?

Mr. Sheppard. At one of those Meetings, that was at my House, Mr. Cornish came into the House, to speak a few Words with the Duke of Monmouth, or some other, I can't be positive in that, it is to my Years ago, and did not stay half a Quarter of an Hour in the House. I came up Stairs, and went on with him; and there was not one Word read, nor no Paper seen while he was there.

Mr. Justice Lewis. Was Mr. Cornish in the Room with the Duke of Monmouth, and those others?

Mr. Soll. Gen. Mr. Sheppard, Do you remember, at the late Duke of Monmouth, the Lord Russell, the Lord Gray, and Sir Thomas Armstrong, were there together, and the Declaration read?

Mr. Sheppard. I remember there was a Declaration read. Ferguson pull'd out a Declaration out of his shoe; he pull'd off his Shoe, and pull'd it out there.

Mr. Soll. Gen. Do you remember Mr. Cornish was any Time that Night?

Mr. Sheppard. Truly I can't say, whether it was at Night when the Paper was read; but I do positively say, that there was no Paper read, for he was not look'd upon to be of the Company. Mr. Ferguson told me positively, there is the Duke of Monmouth, my Lord Gray, my Lord Russell, Sir Thomas Armstrong, Col. Ramsay, my self, and you.

Mr. Soll. Gen. Who did Mr. Cornish come to speak with, when he came to your House?

Mr. Sheppard. Truly I don't know, whether it was with the Duke of Monmouth.

Mr. Soll. Gen. How came Mr. Cornish to know the Duke of Monmouth was there?

Mr. Sheppard. Truly my Memory will not call.

Mr. Soll. Gen. Did his Coach stand publicly at your Door?

Mr. Sheppard. Whole Coach?

Mr. Soll. Gen. The late Duke of Monmouth's.

Mr. Sheppard. No, Sir, they came all private; there was no Coaches at the Door, that I saw. Five of them in.

Mr. Soll. Gen. Was Mr. Cornish but once there, when the Duke of Monmouth was there?

Mr. Soll.

Mr. Sheppard. But once.

Mr. Sol. Gen. Did he call the Duke of Monmouth out to him?

Mr. Justice Street. How came you to carry him up to the Duke of Monmouth, if he were none of the Company?

Mr. Sheppard. Mr. Cornish did go up into the Room and spake with the Duke of Monmouth, or some other Person; but I think the Duke of Monmouth.

Mr. Sol. Gen. Do you remember he was there in Company, when Col. Rumsey was there?

Mr. Sheppard. No, I can't remember that.

Mr. Rumsey. My Lord, when I came to Mr. Sheppard's House, Mr. Sheppard came down, and fetch'd me up, and I deliver'd my Message I had to the Duke of Monmouth, and to the Company; and indeed I was not a Quarter of an Hour there, I believe; but by that Time I had spoke my Words, some Body knock'd at the Door, and Mr. Sheppard went down, and immediately brought up Mr. Cornish to the Room, without asking a Question of any Body. And when he was come into the Room Mr. Cornish said, he could not come sooner, because he had Business; and could not stay, because there was a Committee, for the Management of the Charter, to meet that Night; and there was a Necessity of his being there, because there was never another Alderman in Town, and there must be an Alderman there.

Mr. Att. Gen. Mr. Sheppard, do you remember any Thing of that?

Mr. Sheppard. No, Sir, I do not remember it, I assure you.

Mr. Sol. Gen. Did you let him in at Door?

Mr. Sheppard.

Mr. Sheppard. No, Sir, I had Word brought me up Stairs, that Alderman Cornish was below, and went down, and brought him up.

Mr. Soll. Gen. Did you ask for Mr. Cornish to come up?

Mr. Sheppard. I don't remember I did. When Mr. Cornish was there, there was not above three Persons.

Mr. Soll. Gen. Who were they?

Mr. Sheppard. There was the Duke of Monmouth, and there was Mr. Ferguson; and truly I can't tell, whether t'other was my Lord Russel, or my Lord Gray.

Mr. Justice Levins. You acknowledge now, Sir, you did carry the Prisoner up to the Duke of Monmouth, and those Persons. Did you use to carry all Persons up there?

L. C. J. Jones. There was a Cabal of Rebels met together, and you go and bring up this man to them, without any Leave or License from them; which is incredible, certainly, unless you knew him to be one of the Company, and equally engag'd with them.

Mr. Soll. Gen. Mr. Sheppard, you say, when Mr. Cornish came up, there was not half the Company there. Had they been there, or were not they yet come?

Mr. Justice Levins. Look you, Sir, it is marvelous how Mr. Cornish, if he were none of the Parties, should have Notice, that the Duke of Monmouth was there, who came in privately at the Back-door, and came to speak with him there.

Mr. Sheppard. my Lord, I have no Back-door.

Mr. Justice Levins. He came in privately.

Mr. Justice Levins. Mr. Sheppard, I think I heard you

you say, they came privately without their Coaches.

Mr. Sheppard. Yes, Sir, they had no Coaches.

Mr. Justice *Levin*. They came privately, I suppose, that no Body should know they were there.

Mr. Sheppard. I suppose so, Sir.

Mr. Justice *Levin*. Why then did you carry Mr. Cornish up? If you were below in the House, he might come about your own Business, but to be carry'd into the Chamber where they were, looks as if it were about their Business.

Mr. Cornish. I never heard any Thing of the Business, my Lord.

Mr. Att. Gen. So far, Gentlemen, you remember he confirms what Mr. Rumsey says, that Gentleman deny'd he was there with the Duke of Monmouth.

Mr. Cornish. Pray, Mr. Attorney, don't strain, I have Dealings with Mr. Sheppard, and have been often there, but never at any Meeting.

Mr. Att. Gen. He says, you spake with the Duke of Monmouth.

Mr. Cornish. I never saw the Declaration, he declares it.

L. C. J. *Jones*. Had you any Dealings, upon Account, with the Duke of Monmouth?

Mr. Cornish. Never for a Farthing.

Mr. Justice *Watkins*. What Business had you with him then?

Mr. Cornish. I don't know but I might enquire for him in other Places.

L. C. J. *Jones*. Your own Witnesses carry you up.

Mr. Cornish. my Lord, if he did, I did not see. He says, Mr. Sheppard held the Candle.

Mr. Justice

mr. Justice *Withins*. mr. *Cornish*, He confirms
 eat Part of what mr. *Ramsay* says.

mr. *Cornish*. Not one Tittle; for he declares I was
 of the Company.

L. C. J. *Jones*. He says no such Thing.

Mr. *Sheppard*. my Lord, to my Knowledge, I can
 fely say, he knows nothing of it.

L. C. J. *Jones*. And yet you could bring him up
 among them.

mr. *Sheppard*. my Lord, I declare I never spake
 ny Thing to him in my Life about the Business,
 or never in any Company.

mr. Justice *Withins*. It is plain, mr. *Ramsay* says
 e was the man that brought you up. How should
 r. *Ramsay* know that?

mr. Att. Gen. mr. *Sheppard*, I will ask you this
 uestion: Had you Order from that Company not
 bring up any Person? Do you remember you
 were so at a former Trial.

mr. *Sheppard*. I remember when it was there; they
 sir'd I would let some of my Servants up; and
 at I would go down, and fetch up what they
 wanted, and I fetch'd up Wine, and what they wan-

mr. Soll. Gen. mr. *Sheppard*, why were none of
 our Servants to come up?

mr. *Sheppard*. Because they were imptivate, Sir.

mr. Soll. Gen. Were Strangers to come up therefore?

mr. *Sheppard*. It is so long ago, I can't remember.

mr. Justice *Levins*. They came privately, without
 patches, because none should know they were there;
 and you carry mr. *Cornish* up to them.

mr. *Cornish*. I think this Witness is confronted.

L. C. J. *Jones*. Hold your Tongue, Sir, he hath not
 one yet.

mr. *Ram.*

mr. Rumsey. my Lord, as soon as mr. Cornish made his Excuse for his not coming sooner, and that he could not stay, I could not make that; and mr. Cornish can't say, I would do any Thing maliciously or spitefully against him. my Lord, as far as he had done, all the Company went about him and some Body did tell him, they would tell him what they had done, they told him the Declaration had been read, that mr. Ferguson had prepared. And they said, look you, Mr. Cornish, you shall be it read; and with that, this Gentleman, though he denies it, did take the Candle, and held it. They did not come to the Table, but the Company stood round while mr. Ferguson pulled it out of his Bosom.

mr. Justice Withins. mr. Sheppard, you are very forward.

mr. At. Gen. my Lord, I would ask mr. Sheppard a Question.

mr. Rumsey. my Lord, the Declaration was read, and mr. Cornish did approve of it; and I may say, with that small Interest, or little Interest, by words to that Effect, that he had, he would assist.

mr. At. Gen. I wonder why you did not give Notice, when you came in the morning! Why did not you give Notice?

mr. Sheppard. I was here attending from eleven o'clock, till half an Hour after Three.

mr. At. Gen. Did you send in any Word?

mr. Sheppard. I could not tell who to send in. I was here expecting to be call'd.

mr. Ser. You have had a Favour, that no man ever had.

mr. Sol. Gen. Gentlemen, there hath been a very great Indulgence given to the Prisoner, and it is

you what Tenderness a Court of Justice hath, and always
 have, of the Lives of the King's Subjects. After a full Evi-
 dence, though he had neglected his Defence, yet you were again
 sent for into Court, to hear what farther Evidence he had to
 offer to you. I cannot but observe, this looks like a subtil Con-
 vance on the Prisoner's Part. You see what Endeavours have
 been made by Mr. Attorney General, to have had him here a
 second time for the King. You have observ'd he hath told you,
 he had a *Subpoena* sent for him; but he was absent. In what
 company he was absent Yesterday, he hath told you, with
 Mr. Cornish's Son. This morning he was not to be found, after
 he had receiv'd this *Subpoena*, and a *Subpoena* from Mr. Cornish.
 He stays without, and gives no Notice; but when you are with-
 drawn, can send Intelligence to Mr. Cornish, that he hath some-
 thing to say, that he hopes will excuse him. Now, what that
 I must beg you a little to observe. Truly I am very glad,
 at the Satisfaction of all men; that Mr. Sheppard hath now been
 here; and he is so far from invalidating any one Part of the
 testimony, that by all the Circumstances you can collect from
 his Evidence that is given, it is a Corroboration of it. Mr. Cor-
 nish was accus'd of being present at Consultations, that have
 been held against the Life of the King, and for raising Rebel-
 lion at Mr. Sheppard's House: His excusing his being there, is
 sufficient Argument to prove he was privy to their Meeting.
 He hath gone on farther, and prov'd to you the reading the De-
 claration. Now, what says Sheppard to this Witness? Mr. Cor-
 nish, by the Way, I must observe to you before, did deny his
 being there: He had been sometimes in Company with Fergu-
 son, but he did not like the man, he says, because of his Mor-
 als. Now the Witness he hath produc'd, hath given you this
 testimony, that Mr. Cornish hath been there in that Company;
 that he came in such a manner, that no man but must be satis-
 fied he was privy to their Designs, and did know of their Meet-
 ing; for he comes, when the Duke of Monmouth, and the rest
 of the Conspirators, were there met in private, with a direct
 Charge to Mr. Sheppard, that is the Witness, that they should
 be so private, that no one Servant should come up into the
 Room: yet Mr. Sheppard tells you, that when Mr. Cornish came,
 he carry'd him up into the Room, without so much as acquaint-
 ing any one of the Company, that Mr. Cornish had a Desire to
 come; but brings him up, as if he were (and I make no Doubt
 but you will imagine he was) one of the Company. When he
 comes

comes there, he says, his Business is with the Duke of
mouth, the Head of that Conspiracy. And he himself
you, he never had any Dealings with the Duke of
in his Life. What can a Man imagine of that man that
no dealing with the Duke of Monmouth, to find him out in
Place, where no mortal could know, and none was to know
and coming to him at that Time, and at that Place, under the
Circumstances of Concealment, no man almost but out of
own mouth, must believe, that he was privy to that Conspiracy
therefore, tho' this Witness doth seem to forget some Part
the Evidence, and reading the Declaration, and holding
Candle; yet these are such Circumstances, that in themselves
do carry a Proof of the Charge, and do confirm all the rest
the Witness hath said; and this must be a great Satisfaction
you, that he was there present, and privy to that Design. And
so I leave it to your Consideration.

Then the Jury withdrew for a short Time, and returning, brought
Mr. Cornish in Guilty, and found 100 l. for the King, in
Sheppard's Hands.

Clerk. Bring Henry Cornish to the Bar. Henry Cornish, stand
up thy Hand, &c.

Mr. Cornish. My Lord, now the Law hath pass'd upon me,
do humbly pray your Lordship, and that Honourable Bench
that you would be pleas'd to intercede for me with his Majesty
I shall lead a peaceable, quiet, and dutiful Life; and I hope
when you come to reflect upon what hath been said to Day
that perhaps you will be of another mind, and have more Com-
passion for me, than you had upon my Trial; for, in the Sancti-
fies of my Heart, and in the Presence of God, I do
chuse I am innocent; and if your Lordship, and this Honour-
ble Bench, intercede with his Majesty, it will be an entire O-
bligation upon me, and I shall live faithfully, peaceably, and
loyally, as long as I live. I presume to beg this; and I
trust my self, and hope it will stir up the Hearts of some
Persons, that they will not leave me destitute of Friends in such
Cases as this, having a Wife and several Children, who will be an
Act of Charity.

Answer. The Court does give you your Request, and
there is no more to be said upon your Family, &c. Done
your self.

Cryer, O yes, all manner of Persons are commanded to keep silence, whilst Judgment is giving, upon Pain of Imprisonment.

Recorder. You, the Prisoner at the Bar, you have been indicted here of the high Crime of Treason; your Crime is for Treason that was committed in his late Majesty's Life-time, being one of those notorious Conspirators that design'd to raise Rebellion, and others, some of them immediately design'd the Life of his Majesty that then was, and his present Majesty, that was the design of some of them; and others, they had another Part, that was, to raise Rebellion, and particularly some of them in and about this City; and it was carry'd on some Time before it was discover'd, may be a Year, or more, under Colour and Pretence of Law. For so they did invade the Government, first of all by packing of Juries, there was the Foundation laid, whereby to bring on that Business, which they had at last design'd, when they could bring it to a ripe Head. Too many Persons, in that Business, I believe, were very busy, meddling with that that they had not to do with, Clubbing and Caballing how to bring their Designs about, in Opposition to the Government; not to support it in the least, but overthrow it if it were possible. But then, at last, then they must take another Course, for no longer could they carry it on by Pretence of Law, as you have heard to Day: Now we must take other measures, and take our own-right Blows. This is the Business, Mr. Cornish, that you have been indicted for; and, I must tell you, whatever Apprehensions you have to the contrary, and may please your self, I am sorry to see such a Sort of Pleasure in your Countenance, as if you had had no Favour shewn you. I believe the Court hath shewn you more Favour, and had more Patience with you, than ever any man that stood in your Place had; or calling a Witness after the Jury hath been out, is a thing I never saw a Precedent for: And I am glad it was done, for I think it hath clear'd the Thing beyond all manner of Contradiction, Before it look'd something dark, for want of *Sheppard*; and so it is a Happiness that that man was call'd, to convince you of many Things, that you protested so solemnly against; which I am sorry to see in you, in this Condition, that you are, to make such solemn Proclamations, and afterwards to call a Witness to confront you with them. You have been convicted of this great Crime. It is too late, and not fitting to spend Time any longer, but to pronounce the Sentence against you, which is this: *You*

You must be had back to the Place from whence you came, from thence you must be drawn to the Place of Execution; and then you must be hang'd by the Neck, 'till you are almost dead, and then you must be cut down; your Intrails must be taken out, and burnt before your Face; your Head be cut off, and your Body divided into four Parts; and those to be dispos'd of at the Pleasure of the King. And the Lord have Mercy upon your Soul.



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